

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE

U.S.D.C. Atlanta

JUL 2 - 2004

LUTHE

By:

Handwritten signature

U.S. District Clerk

JOHN RAMSEY, PATSY RAMSEY and :
BURKE RAMSEY, a minor, by his :
next friends and natural parents, :
JOHN RAMSEY and PATSY RAMSEY, :

Plaintiffs, :

vs. :

FOX NEWS NETWORK, L.L.C., d/b/a :
Fox News Channel, :

Defendant. :
X

CASE NO.: 1 03 CV-3976 (TWT)

**DECLARATION OF DIANNE BRANDI IN FURTHER
SUPPORT OF DEFENDANT'S MOTION TO DISMISS**

I, **DIANNE BRANDI**, declare as follows:

1. I am Vice President of Legal and Business Affairs for Fox News Network, LLC (the "Fox News Channel"), the defendant in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, I could and would testify competently to such facts under oath. I submit this Declaration in further support of the Fox News Channel's motion, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing this action in its entirety for failure to state a valid claim for relief.

2. The amended complaint in this action (the "Complaint") alleges defamation based upon "a news segment about the JonBenét Ramsey murder investigation that was cablecast on December 27, 2002" (the "News Report").

31

(Complaint, ¶¶ 28-33). The Complaint attaches a script that purports to be a “true and correct transcript of the December 27 Ramsey segment.” (Complaint, ¶ 28).

3. I have performed a check of the entire day’s cablecast of the Fox News Channel for December 27, 2002. The News Report at issue in this case was not cablecast on that day.

4. However, the News Report was shown on the Fox News Channel on December 25 and 26, 2002. As is typical with news segments prepared for a 24-hour cable news channel, the News Report was cablecast periodically throughout a 24-hour period. Attached hereto as Exhibit A is a videotape copy of one of those cablecasts, which took place at approximately 8:46 a.m., Eastern Standard Time, on December 26, 2002, as part of Fox News Channel’s morning show “Fox & Friends.”

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct and that this Declaration was executed on July 1, 2004 at New York, New York.


DIANNE BRANDI

EXHIBIT A

Please see envelope labeled:

EXHIBIT "A" TO THE DECLARATION OF DIANNE BRANDI

submitted herewith